

Message Text

LIMITED OFFICIAL USE

PAGE 01 ROME 04416 171941Z
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00
DOTE-00 INR-07 NSAE-00 FAA-00 L-03 SS-15 SP-02 NSC-05
PA-01 PRS-01 USIA-06 /063 W
-----180756Z 088827 /17
R 171810Z MAR 77
FM AMEMBASSY ROME
TO SECSTATE WASHDC 3414

LIMITED OFFICIAL USE ROME 4416

E.O. 11652: N/A
TAGS: EAIR, IT
SUBJECT: US-ITALY CIVAIR CONSULTATIONS

REF: (A) ROME 4328 (B) ROME 2417

1. PREPARED STATEMENT READ BY AMBASSADOR FARACE NEAR
CONCLUSION OF CONSULTATIONS (SEE REF A) FREELY TRANSLATED
IN SUBSEQUENT PARAGRAPHS.

2. BEGIN TEXT. THE PROPOSALS ADVANCED BY THE USDEL FOR
AIR SERVICES IN THE 1977 SUMMER SEASON, IN THE JUDGEMENT
OF THE ITALDEL, ARE ONCE AGAIN EXCESSIVE WITH RESPECT TO
REAL (CONCRETE) POSSIBILITIES FOR COVERAGE OF THE SERVICES
AND DO NOT CONFORM EITHER TO LETTER OR SPIRIT OF THE AIR
TRANSPORT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
STATES AND THE GOVERNMENT OF THE ITALIAN REPUBLIC.

IN PARTICULAR THE PROGRAM PLANNED BY THE U.S. -- IN
THE FORMULATION OF WHICH REPEATED ITALIAN RESERVATIONS,
BASED ON FUNDAMENTAL AND LEGITIMATE REQUIREMENTS, WERE IGNORED --
APPEARS TO BE IN CONFLICT WITH PRINCIPLES CONTAINED IN
ART. 9 OF THE AGREEMENT IN REGARD TO:

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 ROME 04416 171941Z

-- THE OBLIGATION OF THE CONTRACTING PARTIES TO "NOT
INTERFERE UNDULY" WITH THE RESPECTIVE SERVICES (OF THE OTHER);

-- RECOGNITION OF THE "PRIMARY OBJECTIVE" WHICH REMAINS
THIRD AND FOURTH FREEDOM SERVICES WHILE FIFTH FREEDOM
SERVICES HAVE A SECONDARY CHARACTER;

-- FINALLY, THE OBSERVANCE OF THAT WHICH AMONG OTHER THINGS,
ARTICLE 9 DEFINES A "GENERAL PRINCIPLE" WHICH
IS THAT CAPACITY SHOULD NOT BE RELATED ONLY TO TRAFFIC
REQUIREMENTS OF THE AREA THROUGH WHICH THE AIRLINE PASSES,
BUT SHOULD ALSO TAKE INTO ACCOUNT "LOCAL AND REGIONAL" SERVICES.

MOREOVER, IN REGARD TO THE SPIRIT OF THE BILATERAL
UNDERSTANDINGS, THE ITALDEL BELIEVES IT IS APPROPRIATE TO
DRAW ATTENTION TO, AMONG OTHER THINGS, WHAT IS STATED IN
ARTICLE 4 OF THE MEMORANDUM OF UNDERSTANDING, WHERE IT IS
SPECIFIED THAT IMPLEMENTATION OF THE AGREEMENT SHOULD BE
SUCH AS TO "MAINTAIN AND DEVELOP FURTHER GOOD RELATIONS
BETWEEN THE TWO CONTRACTING PARTIES" AND THUS SHOULD
ESTABLISH A FRUITFUL DIALOGUE THAT NECESSARILY TAKES INTO
ACCOUNT RESPECTIVE POSITIONS. THIS CONCEPT FINDS CONFIRM-
ATION IN THE TEXT OF AFORESAID "MEMORANDUM", WHERE IT IS
REPEATEDLY STATED THAT CONSULTATIONS SHOULD BE HELD IN
"GOOD FAITH". IN PRACTICE, HOWEVER, ON THE BASIS OF
EXPERIENCE IN RECENT YEARS, CONSULTATIONS CERTAINLY HAVE
NOT BEEN CONSULTATIONS BETWEEN THE PARTIES, BUT THE
IMPOSITION OF THE VIEWPOINT OF ONE PARTY ON THE OTHER
THANKS TO THE AUTOMATIC MECHANISM PROVIDED BY THE
MEMORANDUM, A MECHANISM WHICH HAS BEEN REVEALED AS A
MEANS OF EVADING THE PRINCIPLES CONSECRATED IN ART. 9
OF THE AGREEMENT, WHILE IT (THE MECHANISM) WAS INTENDED
BY THE NEGOTIATORS TO BE THE BEST GUARANTEE OF AN EQUITABLE
APPLICATION OF THE AGREEMENT.

IN THE LIGHT OF THESE CONSIDERATIONS, AS CHIEF OF
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 ROME 04416 171941Z

ITALDEL, I AM CONSTRAINED REGRETFULLY TO DECLARE TO THE
RESPONSIBLE U.S. AUTHORITIES THAT IT MIGHT BE NECESSARY TO
REVIEW OUR POSITION TO AVOID INJURY THAT THE EXCESSIVE
CAPACITY USED BY THE U.S. AIRLINES MIGHT CAUSE TO THE
SERVICES OF THE ITALIAN FLAG COMPANY. I WOULD LIKE TO
EMPHASIZE THE FOREGOING, AGAIN CALLING ATTENTION TO
NOTE VERBALE NO. 02625 (SEE REF B) IN WHICH ARE SPECIFIED
THE LIMITS WITHIN WHICH U.S. COMPANY SERVICES SHOULD BE
PROGRAMMED IN ORDER TO TAKE INTO ACCOUNT ITALIAN NEEDS
IN A SPIRIT OF FRIENDLY COLLABORATIONS. END TEXT.
BEAUDRY

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977ROME04416
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770093-0143
Format: TEL
From: ROME
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770349/aaaabqof.tel
Line Count: 108
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 06107db6-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 ROME 4328, 77 ROME 2417
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 11-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3076241
Secure: OPEN
Status: NATIVE
Subject: US-ITALY CIVAIR CONSULTATIONS
TAGS: EAIR, IT, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/06107db6-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009